

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	No. 3:21-CR-149-RLJ-DCP
	)	
DEONDRE KENYETTA ELIE, and	)	
DARTAVIA DEVON SMITH-WILSON,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. The parties case came before the Court on January 5, 2022, for an initial appearance and arraignment on an Indictment [Doc. 17]. Assistant United States Attorney Brent Nelson Jones appeared on behalf of the Government. Attorney Joshua D. Hedrick represented Defendant Deondre Elie. Assistant Federal Defender Nakeisha C. Jackson represented Defendant Dartavia Smith-Wilson. Both Defendants were also present.

Defendant Smith-Wilson first appeared on a Criminal Complaint [Doc. 3] on November 3, 2021. Thus, the speedy trial clock in this case began to run with the filing of the Indictment on November 17, 2021. 18 U.S.C. § 3161(c)(1) (providing that the trial shall commence seventy days from the date of the indictment or the initial appearance, whichever is later). At the January 5 hearing, Mr. Hedrick made an oral motion to set the trial date beyond the seventy days provided by the Speedy Trial Act. He argued that he needed additional time to review discovery, investigate the case, and prepare for trial. Ms. Jackson stated that Defendant Smith-Wilson joins

in the motion. The Government expressed no objection. The parties agreed on a new trial date of March 22, 2022.

The Court finds Defendant Elie's oral motion to continue the trial is joined by Defendant Smith-Wilson, unopposed by the Government, and well taken. It also finds that the ends of justice served by continuing the trial outweigh the interest of the Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defendant Smith-Wilson first appeared on a Criminal Complaint [Doc. 1] on November 3, 2021. On November 17, 2021, the Grand Jury returned an Indictment [Doc. 17], charging Defendants Elie and Smith-Wilson with drug trafficking offenses and firearms offenses allegedly occurring between May 2, 2021, and September 17, 2021. The Government must provide the discovery to defense counsel by January 12, 2022, which is less than a week before the expiration of the seventy-day period. The Court finds that defense counsel needs time, beyond the seventy days provided by the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), to review the discovery, investigate the facts of the case and the need for pretrial motions, and to prepare the case for trial. The Court finds that an extension of the seventy-day statutory period is warranted for counsel to have the reasonable time necessary to prepare for trial, despite the use of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

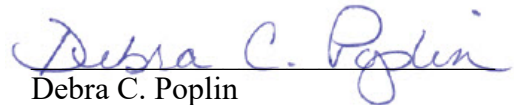
The Defendants' joint oral motion to continue the trial date is **GRANTED**, and the trial of this matter is set for **March 22, 2022**. The Court finds that all the time between the arraignment on January 5, 2022, and the new trial date of March 22, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)-(B). The remainder of the schedule in this case is contained in the Court's Order on Discovery and Scheduling [Doc. 28].

Accordingly, the Court **ORDERS** as follows:

- (1) The Defendants' joint oral motion to continue the trial date beyond the time period set in the Speedy Trial Act is **GRANTED**;
- (2) The trial of this case is set to commence on **March 22, 2022, at 9:00 a.m.**, before the Honorable R. Leon Jordan, United States District Judge; and
- (3) All time between the **January 5, 2022** arraignment and the new trial date of **March 22, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein.

**IT IS SO ORDERED.**

ENTER:



Debra C. Poplin  
United States Magistrate Judge